

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHN DAVID RAGLAND

PETITIONER

vs.

CIVIL ACTION No.: 3:18-CV-491-HTW-LRA

**HINDS COUNTY MISSISSIPPI
SHERIFF VICTOR MASON**

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THIS COURT is the respondent's Motion to Dismiss [**Docket no. 15**] and the Report and Recommendation of the United States Magistrate Judge Linda Anderson [**Docket no. 20**].

Respondent's motion to dismiss asks this court to dismiss the petition for writ of habeas corpus for failure to state a claim and because, according to respondent, petitioner failed to exhaust his state remedies before filing the instant petition. This court cannot address this motion because this lawsuit has been rendered moot by the release of the petitioner from the custody of the respondents and the decision of the prosecuting body to terminate its prosecution of petitioner.

In her Report and Recommendation, filed on July 3, 2019, Magistrate Judge Anderson recommended that the petitioner's petition for a writ of habeas corpus [**Docket no. 2**] be DISMISSED because the petition has been rendered MOOT. Magistrate Judge Anderson directed the *pro se* petitioner to file any objections within fourteen (14) days. The petitioner has failed to do so.

Based upon the findings and recommendation contained in the Report and Recommendation [**Docket no. 20**], this court finds it well-taken. Therefore, the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** as the order of this court.

IT IS, THEREFORE, ORDERED that this lawsuit is hereby **DISMISSED WITH PREJUDICE** and orders that the parties are to bear their own costs.

IT IS FURTHER ORDERED that Respondent's Motion to Dismiss [**Docket no. 15**] is hereby **DENIED AS MOOT**.

SO ORDERED this the 18th day of July, 2019.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE